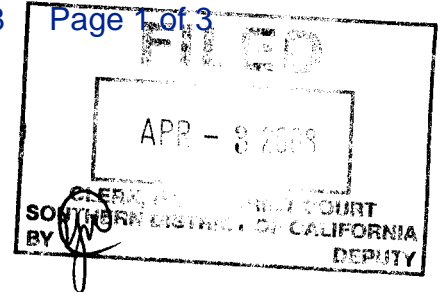


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA



UNITED STATES OF AMERICA

vs.

Guadalupe Vega-GUTIERREZ

) Magistrate's Case No. 08MJ1031

) COMPLAINT FOR VIOLATION OF

) 21 U.S.C. 952 and 960

) Importation of a Controlled Substance

The undersigned complainant, being duly sworn, states:

COUNT ONE

That on or about April 2, 2008, within the Southern District of California, defendant Guadalupe Vega-GUTIERREZ, did knowingly and intentionally import approximately 138.8 kilograms of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of probable cause, which is incorporated herein by reference.

Signature of Complainant  
Manuel J. Martinez, Special Agent  
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, this 3rd day of April 2008.

United States Magistrate Judge

1 **United States of America**

2 **vs.**

3 **Guadalupe Vega-GUTIERREZ**

4 **STATEMENT OF PROBABLE CAUSE**

5 I, Special Agent Manuel J. Martinez, declare under penalty of perjury the following is true and correct:

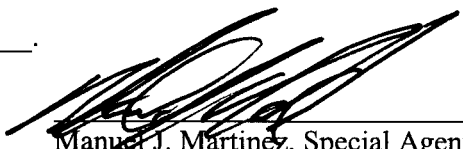
6  
7 On April 2, 2008, at approximately 1044 hours, Guadalupe Vega-GUTIERREZ entered the United States  
8 from the Republic of Mexico at the Otay Mesa Commercial Port of Entry, San Diego, California. Vega-  
9 GUTIERREZ was the driver, and sole occupant of a white International Tractor bearing California  
10 license plate 9E00783. Vega-GUTIERREZ was not the registered owner of the tractor and was referred  
11 to the non-intrusive x-ray inspection. Customs and Border Protection Officer (CBPO) Scott Bidnick  
12 requested Canine Enforcement Officer (CEO) Roberto Pagan to screen the Tractor that Vega-  
13 GUTIERREZ was driving with his Narcotic/Human Detector Dog (NHDD) Niko CF-82. CEO Pagan  
14 observed his NHDD indicate a positive alert to Tractor. During the x-ray inspection, a large dense mass  
15 was detected in the gas tanks of the Tractor.  
16

17 CBPO Hector Herrera conducted a presumptive test of one of the packages which was found in the gas  
18 tank. The presumptive test revealed a positive reaction to the presence of marijuana.

19  
20 A total of 10 packages were removed from the gas tanks containing approximately 138.8 kilograms of  
21 marijuana.  
22  
23  
24  
25  
26  
27  
28

1 Vega-GUTIERREZ was arrested and charged with violation of Title 21 USC 952, 960, Unlawful  
2 Importation of a Controlled Substance, and was booked into the Metropolitan Correction Center, San  
3 Diego, CA.  
4  
5  
6  
7

8 Executed on this 3<sup>rd</sup> day of April 2008 at \_\_\_\_\_.

9  
10   
Manuel J. Martinez, Special Agent  
Immigration and Customs Enforcement

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12   
United States Magistrate Judge

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